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Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Report of the Second Committee

Rapporteur: Mr. Walid A. **Al-Hadid** (Jordan)

I. Introduction

1. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-seventh session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 28th and 35th meetings, on 7 and 14 November 2002. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.2/57/SR.28 and 35). Attention is also drawn to the general debate held by the Committee at its 2nd to 8th meetings, from 30 September to 3 October (see A/C.2/57/SR.2-8).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan (A/57/63-E/2002/21);

(b) Letter dated 20 September 2002 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General, transmitting the documents of the twenty-ninth session of the Islamic Conference of Foreign Ministers, held at Khartoum from 25 to 27 June 2002 (A/57/422-S/2002/1064);

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(c) Letter dated 23 September 2002 from the Permanent Representative of Venezuela to the United Nations addressed to the Secretary-General, transmitting the Declaration adopted by the Ministers for Foreign Affairs of the Group of 77 at their twenty-sixth annual meeting, held at United Nations Headquarters on 19 September 2002 (A/57/444);

(d) Letter dated 27 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the Secretary-General, transmitting the final communiqué adopted at the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held at United Nations Headquarters on 17 September 2002 (A/57/458-S/2002/1125).

4. At the 28th meeting, on 7 November, the Chief of the Regional Commissions New York Office made an introductory statement (see A/C.2/57/SR.28).

II. Consideration of draft resolution A/C.2/57/L.34

5. At the 31st meeting, on 12 November, the representative of Egypt, on behalf of Algeria, Bahrain, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Malta, Morocco, Oman, Qatar, Saudi Arabia, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/C.2/57/L.34). Subsequently, Brunei Darussalam and Pakistan joined in sponsoring the draft resolution.

6. At its 35th meeting, on 14 November, the Committee was informed that no consensus had been reached during the informal consultations held on the draft resolution and that a recorded vote had been requested by the representative of Israel.

7. At the same meeting, the Committee adopted draft resolution A/C.2/57/L.34 by a recorded vote of 124 to 4, with 2 abstentions (see para. 10). The voting was as follows:[1]

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Comoros, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania,

[1] The delegations of Azerbaijan, Colombia, Sri Lanka and Uganda subsequently indicated that, had they been present, they would have voted in favour.

Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Cameroon, Papua New Guinea.

8. Before the adoption of the draft resolution, a statement in explanation of vote was made by the representative of Israel; after the adoption of the draft resolution statements in explanation of vote were made by the representatives of Denmark (on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey) and Japan (see A/C.2/57/SR.35).

9. After the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic and Israel, as well as by the observer for Palestine (see A/C.2/57/SR.35).

III. Recommendation of the Second Committee

10. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 56/204 of 21 December 2001, and taking note of Economic and Social Council resolution 2002/31 of 25 July 2002,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Also expressing its concern at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory during the recent period,

Aware of the additional detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

Reaffirming the need for the immediate resumption of negotiations within the Middle East peace process, on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, and for the achievement of a final settlement on all tracks,

Taking note of the note by the Secretary-General on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan,[3]

1. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

2. *Calls upon* Israel, the occupying Power, not to exploit, cause loss or depletion of or endanger the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides;

4. *Requests* the Secretary-General to report to it at its fifty-eighth session on the implementation of the present resolution, and decides to include in the agenda of its fifty-eighth session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

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[2] United Nations, *Treaty Series*, vol. 75, No. 973.

[3] A/57/63-E/2002/21.